

**REMARKS**

Claims 1-20 are pending in the application. Claims 1-20 have been rejected under 35 USC 102(b) as being anticipated by Leung et al. (EP 0701382 A1). According to the Examiner, Leung et al. discloses a method of communicating in a cellular system claimed as a "hierarchical cellular system." The Examiner further states that Leung et al.'s method comprises:

a step for determining a timer value or cell sojourn time as stated in column 1, lines 9-12; and column 3, lines 6-12 presents an equation of how the time is determined and repeatedly computed; and a step for using or comparing the timer value or cell sojourn time to hand off the mobile unit or wireless unit as stated in column 3, lines 3-5, 39-45. Claim 1 has been amended to more clearly recite applicants' invention; claim 20 has been amended to correct a typographical error.

Applicants respectively traverse the Examiner's reading of Leung. Independent claim 1 as amended and independent claim 11 both recite an inter-layer handoff system that is used by the hierarchical cellular system to determine a timer value for a certain wireless unit operating at a first layer. The timer value is then used to determine whether the wireless unit is to be handed off to a cell of a second layer. In short, the timer value is determined by the inter-layer handoff system not by the wireless unit. In sharp distinction, Leung et al. disclose a system in which "mobile units collect their own mobility and teletraffic statistics and transmit aggregated statistics base station for control of the cellular system"; see column 1, lines 10-12. In fact Leung et al. argue that "a number of statistics are collected and processed by intelligent mobile units such that they can be used to greatly improve efficiencies in resource management without undue additional burden on the network resources of the cellular communication systems"; see column 2, lines 18-22. Leung et al teach the use of intelligent mobile units to relieve the burden of determining teletraffic statistics from the communication system equipment. Applicants' invention as recited in independent claims 1 and 11 teaches the use of

communication system equipment to determine the timer value and <sup>(2)</sup> does not include the use of mobile units or wireless units to determine such value. Therefore, not only do Leung et al. not disclose the use of network equipment (i.e., <sup>(3)</sup> inter-layer handoff system) to determine the timer value, but in fact teach away from using network equipment to determine the timer value.

In view of the above discussion, applicants respectfully request that amended independent claim 1, independent claim 11 and their corresponding dependent claims be allowed.

**Request for Reconsideration pursuant to 37 CFR 1.111**

Having responded to each and every ground for objection and rejection in the Office Action mailed on September 17, 2003, applicants request reconsideration in the instant application pursuant to 37 CFR 1.111 and request that the Examiner allow claims 1-20 and pass the application to issue. If there is any point requiring further attention prior to allowance, the Examiner is asked to contact applicant's counsel who can be reached at the telephone number listed below.

Respectfully,

Mark E. Newbury  
Stanley Vitebsky

By Claude R. Narcisse  
Claude R. Narcisse  
Reg. No. 38979  
(212) 801-3190  
Reg. No. 38,979

DATE: November 26, 2003